

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Sonya S. Johnson et al.

Appln. No.: 10/590,608

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For: CONFECTIONS CONTAINING A  
BLEND OF PHYSIOLOGICAL  
COOLING AGENTS

Attorney Docket No: 1391/1622

Examiner: Unknown

Art Unit: 1761

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### INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b)(3), Applicants hereby cite the following references:

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In accordance with 37 C.F.R. § 1.98(d), only copies of non U.S. patent documents are submitted herewith. For the Examiner's convenience, Applicants are enclosing Form PTO-1449 (six pages) which lists all of the forgoing references. Since all of the listed references are in English, or an English translation is provided, no further commentary is believed to be necessary for those references, 37 C.F.R §1.98(a)(3).

Applicants hereby notify the Patent and Trademark Office of pending litigation involving the grandparent patent for the present case, U.S. Patent No. 6,627,233, brought by the Assignee of the grandparent patent and the present patent application, Wm. Wrigley Jr. Company, in the U.S. District Court for the Northern District of Illinois, Civil Docket Case No. 04-CV-346 titled WM. WRIGLEY, JR. COMPANY vs CADBURY ADAMS USA, and submit herewith a copy of the following documents: 1) Third Amended Answer and Counterclaim, 2) Defendant Cadbury Adams' Responses To Plaintiff Wm. Wrigley Jr., Company's First Set Of Interrogatories, 3) case docket dated January 6, 2005, 4) Memorandum in Support of Defendant Cadbury Adams' Motion for Leave to File Defendant's Fourth Amended Answer and Counterclaims, 5) Cadbury Adam's Fourth Amended Answer and Counterclaim, and 6) Cadbury Adams' Response to Plaintiff Wm. Wrigley Jr., Company's Fifth Set Of Interrogatories (No. 14-18). These

documents are provided for consideration by the Examiner in view of the relationship of the issued patent claims and the pending claims, and the allegation of the invalidity of the '233 patent by the defendant.

Many of the forgoing documents were produced by the defendant in the above litigation, presumably as prior art to the '233 patent. Applicants respectfully request the Examiner's consideration of the above references and entry thereof into the record of this application. Applicants are providing the above six noted court documents so that the Examiner is apprised of the allegations of invalidity. If the Examiner believes that any of the documents listed in the docket report would be of interest to the Examiner, Applicants will provide copies. Further, if the Examiner wishes to be advised of subsequent papers filed in the litigation, he should so indicate.

This Information Disclosure Statement is being filed prior to the issuance of a first Office Action on the merits and therefore it is believed that no fees are required. However, if any filing fees are required relating to this submission, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925.

Respectfully submitted,

November 30, 2007

Date

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